



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,305	02/24/2004	John R. Zaleski	2003P03690 US01	2108

7590 04/07/2008
Alexander J. Burke
Intellectual Property Department 5th Floor
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

MOLINA, ANITA C

ART UNIT	PAPER NUMBER
----------	--------------

4194

MAIL DATE	DELIVERY MODE
-----------	---------------

04/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/785,305	Applicant(s) ZALESKI ET AL.	
	Examiner ANITA C. MOLINA	Art Unit 4194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/24/2004 and 10/01/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it exceeds the 150 word limit. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 8, 10-13 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,263,330 to Bessette.

As per claim 1, Bessette teaches a system for accessing patient medical information in a network including a plurality of servers, comprising:

-a repository comprising patient identifiers and associated server identifiers for use in identifying a particular server storing medical information of a particular patient (see: column 3, lines 45-47);

-a search processor for initiating, in response to a received command, a search of said repository to locate a particular server identifier associated with an identifier of said particular patient (see: column 4, lines 18-27); and

-an interface processor for generating a URL address incorporating said located particular server identifier in a data field (see: column 4, lines 6-10) and for initiating, in response to a user command, a request to access said stored medical information of a

particular patient at said generated URL address hosted by said particular server (see: column 3, lines 47-52).

As per claim 2, Bessette teaches the claimed system, wherein said repository comprises a map linking said patient identifiers and said associated server identifiers for identifying a server hosting medical information of a particular patient (see: column 4, lines 1-10 and 45-52).

As per claim 3, Bessette teaches the claimed system, wherein said interface processor generates said URL address by incorporating said particular patient identifier in a data field (see: column 4, lines 6-10).

As per claim 8, Bessette teaches the claimed system, further comprising a display processor for initiating generation of data representing said accessed stored medical information of said particular patient (see: column 4, lines 18-27).

As per claim 10, Bessette teaches the claimed system, further comprising an authorization processor for verifying that a user is authorized to access said stored medical information of said particular patient in response to said user command and for inhibiting access of said user to said stored medical information of said particular patient in response to an unsuccessful verification (see: column 10, lines 6-22).

As per claim 11, Bessette teaches a system for accessing patient medical information in an Internet Protocol Compatible network including a plurality of servers, comprising:

- an executable application supporting access to patient medical information via an Internet-compatible user interface (see: column 6, lines 17-33);

-a search processor for initiating, in response to a user command entered using said user interface, a search of at least one data source to find a particular server identifier associated with an identifier of a particular patient (see: column 4, 18-27); and

-an interface processor, for:

--generating a URL address incorporating said particular server identifier, found by said search processor, in a data field (see: column 4, lines 6-10)

--initiating a request to access, via said generated URL address, said stored medical information of said particular patient hosted by said particular server (see: column 3, lines 47-52); and

--communicating said accessed stored medical information for display to a user using said Internet-compatible user interface (see: column 4, lines 18-27).

As per claim 12, Bessette teaches the claimed system, wherein said at least one data source comprises at least one of (a) a repository including Patient identifiers and associated server identifiers for use in identifying a particular server storing medical information of a particular patient and (b) a plurality of different servers (see: column 3, lines 45-47).

As per claim 13, Bessette teaches a system for accessing patient medical information in an Internet Protocol compatible network including a plurality of servers, comprising:

-an executable application supporting access to patient medical information via an Internet compatible user interface (see: column 6, lines 17-33);

-a repository including patient identifiers and associated server identifiers for use in identifying a particular server storing medical information of a particular patient (see: column 3, lines 45-47);

-a search processor for initiating, in response to a received command, a search of said repository to locate a particular server identifier associated with an identifier of said particular patient (see: column 4, 18-27); and

-an interface processor for initiating, in response to a user command, a request to access said stored medical information of a particular patient at a URL address derived in response to said located particular server identifier and said particular patient identifier (see: column 3, lines 47-52).

As per claim 16, it is rejected for the same reasons set forth for claim 1.

As per claim 17, it is rejected for the same reasons set forth for claim 11.

As per claim 18, it is rejected for the same reasons set forth for claim 1.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,263,330 to Bessette in view of US 20020161795 to O'Rourke.

As per claim 4, Bessette teaches the claimed system, wherein said search processor determines at least one of: (a) whether said repository contains a plurality of said particular patient identifiers and (b) whether said repository contains no identifiers matching said particular server identifiers (see: column 4, lines 27-29).

Bessette fails to teach said interface processor initiates generation of a message identifying at least one of (a) and (b) in response to said determination. O'Rourke teaches a message displayed notifying a user that a patient record is available (see: paragraph 35). It would have been obvious to one of ordinary skill in the art to include with the search processor of Bessette, the message as taught by O'Rourke because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 5, Bessette teaches the claimed system, wherein said acquisition processor periodically interrogates said plurality of different servers in response to a record identifying said plurality of different servers (see: column 10, lines 6-22).

As per claim 9, Bessette teaches the claimed system, but fails to teach said accessed stored medical information of said particular patient comprises at least one of (a) a blood pressure parameter, (b) a ventilation parameter, (c) a vital sign parameter, (d) a blood oxygen concentration representative parameter, (e) an infusion pump parameter associated with fluid delivery, (f) a drip medication related parameter, (g) blood gas parameters, and (h) financial information concerning an interaction of said

Art Unit: 4194

particular patient with a healthcare organization. O'Rourke teaches a medical records system that has hyperlinked content, including vital signs (see: paragraph 27). The rationale to combine these references is the same as set forth for claim 4.

5. Claims 6, 7, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,263,330 to Bessette in view of US 7,013,298 to De La Huerga.

As per claim 6, Bessette fails to teach the claimed system, further comprising an acquisition processor for interrogating a plurality of different servers to compile data indicating patient identifiers and associated server identifiers for storage in said repository. De La Huerga teaches a method and system for retrieving patient data (see: column 5, lines 11-38). It would have been obvious to one of ordinary skill in the art to include in data management system of Bessette, the data retrieval as taught by De La Huerga because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as is did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 7, 14, and 15 they are rejected for the same reasons set forth for claim 6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANITA C. MOLINA whose telephone number is (571)270-3614. The examiner can normally be reached on Monday through Friday 7:30am to 5pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anita C Molina/
Examiner, Art Unit 4194
03/31/2008

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 4194